IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B.CRIMINAL MISC. PETITION NO. 877/2006
(Gurdayal Singh Vs. State of Rajasthan & Anr.)

Date of Order : 19/10/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Trilok Joshi for the petitioner.
Mr. Ashok Upadhyay, public prosecutor.
Mr. R. Bhatnagar for the non-petitioner No.2.

BY THE COURT:-

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioner has challenged the order dated 22.6.2006 passed by Additional Sessions Judge, Anoopgarh (for short 'the revisional court' hereinafter) whereby the revision petition filed by the petitioner against the order dated 10.5.2006 passed by Judicial Magistrate Anoopgarh (for short 'the trial court' hereinafter) was dismissed.

I have heard learned counsel for the parties. Carefully gone through the orders passed by both the courts below.

By order dated 10.5.2006, the trial court framed the charges against the petitioner for the offences under Sections

419, 420, 467 468 and 471 IPC. The main allegation against the petitioner is that he is Sohan Singh S/o Kartar Singh and in order to grab the land of the complainant's father Gurdayal Singh, he himself impersonated as Gurdayal Singh S/o Kartar Singh. Though after investigation, police filed negative final report, but the trial court on the basis of statements of witnesses produced by the complainant, took the cognizance of the offences and thereafter framed the charges. The revisional court on examination of the record, did not find any ground to interfere in the order framing charge.

In my view, both the courts below concurrently found that there is prima-facie ground to presume that the petitioner has committed the offences for which the charges have been framed. In the circumstances, therefore, no case for interference in the inherent jurisdiction is made out. It cannot be said that the orders impugned would result in serious miscarriage of justice and abuse of process of the Court.

The petition has no force and it is therefore, dismissed.

(H.R.PANWAR),J.

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